

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUNIOR A. NUNEZ RODRIGUEZ,

Plaintiff,

-against-

FORDHAM AUTO PLUS, INC., and JULIO CABRERA,
individually,

Defendants.
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Case No.: 1:24-cv-06873-RA-KHP

**DECLARATION OF ERICA
MEYER, ESQ. IN SUPPORT OF
THE APPLICATION TO
CLERK FOR CERTIFICATE OF
DEFAULT PURSUANT TO
LOCAL CIVIL RULE 55.1**

ERICA MEYER ESQ., being duly sworn, hereby deposes and states under penalty of perjury, pursuant to 28 U.S.C. §1746, as follows:

1. I am the attorney of record for Plaintiff, Junior A. Nunez Rodriguez (“Plaintiff”). As such, I am familiar with the facts and circumstances of the above-captioned matter. I submit this declaration pursuant to Local Civil Rule 55.1 and Fed. R. Civ. P. 55(a) in support of Plaintiff’s Application for a Certificate of Default (the “Application”) against Defendants FORDHAM AUTO PLUS, INC., (“Fordham”) and JULIO CABRERA (“Cabrera”).

2. In this Application, Plaintiff asks the Clerk to enter default against Defendants, FORDHAM AUTO PLUS, INC., and JULIO CABRERA.

3. This action was commenced by filing of the Summons and Complaint on September 11, 2024. **See ECF Doc. No. 1 & 4, Exhibit A.**

4. Defendants are not an infant or incompetent person and are not in the military service within the purview of the Soldier's and Sailor's Civil Relief Act of 1940 as amended.

5. On September 20, 2024, Plaintiff served Defendant Fordham, via Meridian Investigation & Security. **See ECF No. 9, Exhibit B.**

6. Akim Laurie Douglas (“Process Server”) served Defendant Fordham by;

- a. **Corporation:** a defendant therein named by delivering a true copy of each to MARIEL “DOE” (last name not provided), who provided verbal confirmation that she is authorized to accept service on behalf of the defendant, FORDHAM AUTO PLUS, INC.

7. On September 20, 2024, Plaintiff served Defendant Cabrera, via Meridian Investigation & Security. **See ECF No. 10, Exhibit C.**

8. Akim Laurie Douglas (“Process Server”) served Defendant Goodman by;

- a. **Suitable person:** a defendant therein named, by delivering a true copy of each to MARIEL “DOE” (last name not provided), a person of suitable age and secretion and who provided verbal confirmation that she is authorized to accept service on behalf of the defendant, JULIO CABRERA.

- b. **Mailing:** Deponent also caused to be enclosed a copy of same, in a postpaid sealed wrapper properly addressed to said defendant at defendant’s last known residence, 2409 Jerome Avenue, Bronx, NY 10468, and to be deposited in a post office, official depository under the exclusive care and custody of the United States Post Office, department, with New York State. The wrapper bore the legend “Personal and Confidential” and did no indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the Defendant. Delivery and mailing effected within twenty days of each other.

9. The time for Defendant Fordham to serve an answer or file a motion has long since expired, as Defendant Fordham was required to respond on or before **October 11, 2024**. **See ECF Dkt. No. 9, Exhibit B.**

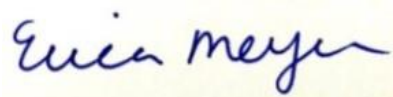
10. The time for Defendant Cabrera to serve an answer or file a motion has long since expired, as Defendant Cabrera was required to respond on or before **October 11, 2024**. See ECF **Dkt. No. 10, Exhibit C**.

11. Since Defendants have failed to Answer or otherwise defend the above-captioned action, they are clearly in default. As such Plaintiff request the issuance of the CLERK'S CERTIFICATE OF DEFAULT. See **Exhibit D**.

WHEREFORE, Plaintiff respectfully request that the Clerk of this Court grant Plaintiff's application for a Certificate of Default.

Dated: New York, New York
November 1, 2024

JOSEPH & NORINSBERG, LLC



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